

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

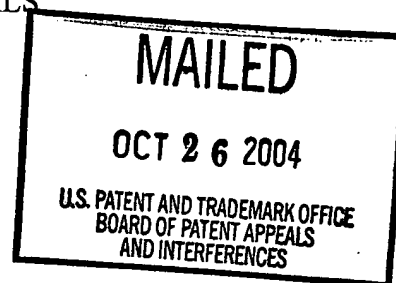
Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALLEN KING

Application No. 09/539,459



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 24, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed a Response Under 37 CFR 1.116, dated March 8, 2004. This response included an amendment to the claim. Initially entry of this amendment was denied. However, in an Advisory Action mailed March 18, 2004, the examiner authorized entry of the amendment. It does not appear from the record that the amendment was entered.

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Further, appellant filed a Notice of Appeal and Appeal Brief dated April 15, 2004.
Appellant authorized the Patent & Trademark Office to charge the required fee's to Deposit

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Account 09-0457. It does not appear that the required fee of \$330.00 (large entity) for the Notice of Appeal has been charged to the deposit account.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

1. entry of the amendment dated March 8, 2004,
2. to charge the required Notice of Appeal fee (Deposit Account 09-0457); and
3. for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', with a long horizontal line extending to the right.

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DMS/dpv
RA05-0026

Application No.09/539,459

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